

Application No. 10/028,574
Amdt. Dated: August 13, 2007
Reply to Office Action Dated: June 12, 2007
Customer No.: 24737

Remarks/Arguments

The Examiner is thanked for the final Office Action dated June 12, 2006. The status of the application is as follows:

- Claims 1-31 are pending.
- Claims 1, 3, 8, 10, 11, 15-18, 22, 23, 26, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison (US 5,878,222).
- Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Goldschmidt Iki et al. (US 6,601,103).
- Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Kitsukawa et al. (US 6,282,713).
- Claims 6, 7, 13, 14, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Zigmond et al. (US 6,400,407).
- Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Liebenow (US 6,601,074).
- Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Inaba (US 5,880,789).
- Claims 24, 25, 28, and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Williams et al. (US 5,945,988).
- Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Holtz et al. (US Pub. No. 2002/0053078).
- Claim 29 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Lewis (US Pub. No. 2003/0040962).

The rejections to the claims are discussed below.

The Rejection of Claims 1, 3, 8, 10, 11, 15-18, 22, 26, and 31 under 35 U.S.C. 102(b)

Claims 1, 3, 8, 10, 11, 15-18, 22, 23, 26, and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by Harrison. This rejection should be withdrawn because Harrison does not teach each and every element as set forth in the subject claims.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). MPEP §2131.

Independent **claim 1** is directed towards a system for extending unattended control capabilities for a video receiver. The system includes a shell for executing scripts controlling demodulation of broadcast programming and a memory containing at least one script including a sequence of commands for demodulating selected broadcast programming, wherein ***the at least one script is executable by the shell to select broadcast programming for demodulation from among one or more concurrently airing programs each matching at least one of a plurality of user-specified descriptive criteria***, wherein said at least one script employs associated previously-defined user priorities or conditions to select between conflicting matches or routing options. Harrison does not teach or suggest the above claimed aspects. Independent **claims 8, 15, and 22** recite similar limitations.

Harrison is directed towards selecting a stored television signal to display or record from amongst a plurality of received and stored television signals based on the content of the signals. More particularly, a plurality of tuners receives and demodulates different television signals, and the demodulated television signals are stored for subsequent display or recording. The received television signals are also decoded, and the decoded television signals are analyzed using a user profile that includes text that identifies program items of interest and text that indicates actions (e.g., display or record) to be performed for each of the items of interest. When a decoded television signal includes content that matches an item of interest, the corresponding stored television signal is selected and displayed or recorded.

In the final Office Action, the Office asserts that Harrison teaches ***selecting broadcast***

programming for demodulation among one or more concurrently airing programs each matching at least one of a plurality of user-specified descriptive as recited in claim 1.

However, Harrison does not teach or suggest such claimed aspects. Instead, Harrison discloses signal processing and selection unit (SPSU) 104 for selecting a television signal from a plurality of television signals that have already been received, demodulated and stored.

More particularly, the description of FIG. 2 discusses the SPSU 104 in greater detail. From the description of FIG. 2, the SPSU 104 comprises a plurality of tuning units 200 for receiving audio and video signals (television signals) in a broadcast signal from a transmission source such as a television broadcasting station. A plurality of buffer units 210 temporarily stores the television signals supplied by the tuning units 200 to the display/record unit. Hence, the buffer units 210 store demodulated television signals. A plurality of decoding units 240 also receives the television signals from the tuning unit and converts (decodes) the signals into data streams. By way of example, the information transmitted to a closed-captioned television is decoded into ASCII text. Another method of decoding is using data transmitted in the vertical blank interval of a transmitted television signal or using speech to text conversion devices. The analyzing units 250 determine whether any of the stored demodulated signals include predefined items of interest to the user by analyzing the corresponding decoded signals. An arbitrating unit 270 resolves display contentions and includes logic to determine which stored demodulated signal from a plurality of stored demodulated signals to display/record on the display/record unit at any particular time.

Thus, in Harrison the television signals have already been received, demodulated, stored for display or recording, and decoded for analysis, and the decoded signals are analyzed to determine which of the stored demodulated signals to display or record. Claim 1 requires the executing script to ***select broadcast programming for demodulation among one or more concurrently airing programs each matching at least one of a plurality of user-specified descriptive criteria***. Accordingly, Harrison does not teach or suggest selecting broadcast programming for demodulation among one or more concurrently airing programs each matching at least one of a plurality of user-specified descriptive criteria as recited in the subject claim 1.

The Office further asserts that Harrison teaches the claimed *executable script*. However, Harrison does not teach or suggest such claimed aspect. In the final Office Action, the Office states that the applicant defines a script as text-based sequences of instructions or commands for controlling the operation of a video receiver on page 8, lines 3-5, of the instant application. The Office equates the claimed executable script with the trigger actions in Fig. 3A of Harrison based on the above definition, contending that the sequence of textual actions to be taken upon the detection of a trigger to be a script.

First, page 8, lines 3-5, does not define the term script as purported by the Office. Rather, page 8, lines 1-5, recites, “[i]n the present invention, firmware 101 includes an interactive program (“Shell”) 102 employed to create and run scripts, text-based sequences of instructions or commands for controlling operation of the video receiver 100.” Hence, this section of the instant application provides examples of what the shell can create and run. In particular, this section of the instant application notes that the shell can create and run scripts. In addition, this section of the instant application notes that the shell can also create and run text-based sequences of instructions. Furthermore, this section of the instant application notes that the shell can also create and run commands for controlling operation of the video receiver 100. Thus, the Office has erroneously defined the term “script” and used the erroneous definition to find the teaching of a script in Harrison and reject claim 1.

Rather than teaching an executable script, Harrison discloses a data structure (profile 260) that simply stores textual indicia. More particularly, the data structure 260 stores textual indicia indicative of items of interest and textual indicia indicative of an action(s) for each item of interest. The indicia is organized within the data structure so that the textual indicia indicative of each action(s) is associated with the corresponding textual indicia indicative of items of interest. In addition, the profile is not run by a shell. By way of example, Harrison discloses that the “Action” column in the table presented in Fig. 3B includes textual indicia such as “Video ON,” “Audio ON,” “Maximize,” and “Record.” Such indicia simply identifies a type of action(s) to be performed, but none of this indicia can be ran to perform the action. Instead, Harrison teaches that upon detecting trigger data, the analyzing unit 250/585 reads the action storage location of the profile to determine the action to take. Then, the analyzing unit 250/585

performs the action. Thus, Harrison does not teach or suggest an *executable script* as required in claim 1.

The Office further asserts that Harrison teaches the claimed *shell*. However, Harrison does not teach or suggest such claimed aspect. In the final Office Action, the Office states that the applicant defines a shell as an interactive program employed to create and run scripts. Harrison does not teach or suggest an interactive program employed to create and run scripts. Rather, Harrison discloses that a user interface is used to create and change the profile (Figure 5 explicitly shows the user interface in communication with the profile unit 583) and that the analyzing unit 250/585 and the arbitrating units 270/587 are used to determine which stored demodulated program to display or record. None of the user interface, the analyzing unit 250/385, or the arbitrating unit 270/387 *creates and runs scripts*. Thus, Harrison does not teach or suggest a *shell* as recited in claim 1.

In view of the above, it is readily apparent that Harrison does not teach or suggest a *script executable by a shell to select broadcast programming for demodulation from among one or more concurrently airing programs* as recited in claim 1. Accordingly, the rejection of independent claims 1, 8, 15, and 22 should be withdrawn.

Claims 3, 10, 11, 16-18, 23, 26, and 31 directly or indirectly depend from claims 1, 8, 15 and 22, and by virtue of their dependencies are allowable for at least the reasons discussed above in connection with claims 1, 8, 15, and 22.

The Rejection of Claims 2 and 9 under 35 U.S.C. 103(a)

Claims 2 and 9 depend from claims 1 and 8, and by virtue of their dependencies are allowable for at least the reasons discussed above in connection with claims 1 and 8.

The Rejection of Claims 4 and 5 under 35 U.S.C. 103(a)

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Kitsukawa et al. The rejection of these claims should be withdrawn because the combination of Harrison and Kitsukawa et al. does not teach or suggest all the claim limitations,

and, thus, the Office has failed to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness.... [T]he prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143

Claim 4, which depends from claim 1, recites that the at least one script, when executed by the shell, *controls operation of the video receiver to cause broadcast of commercials for a particular product to be demodulated and transmitted to a recording device*. **Claim 5**, which depends from claim 1, recites that the at least one script, when executed by the shell, *controls operation of the video receiver to cause broadcast only of commercials that provide sales information as private data along with broadcast program content*. The Office concedes that Harrison does not teach or suggest the above aspects of claims 4 and 5.

In an attempt to overcome the conceded deficiencies of Harrison, the Office asserts that Kitsukawa et al. teaches the above claimed aspects and that it would have been obvious to one of ordinary skill in the relevant art to combine Harrison and Kitsukawa et al. to teach claims 4 and 5. In particular, the Office contends that Kitsukawa et al. discloses an integrated receiver/decoder (IRD) with a stored coupon mode that stores coupons for particular products advertised in broadcast programs or commercials. The Office asserts that it would have been obvious to modify Harrison to include storing coupons to provide potential customers with product information and incentive to purchase.

However, storing a coupon that is advertised in a broadcast programs or a commercial does not teach or suggest controlling operation of a video receiver to cause broadcast of commercials for a particular product to be demodulated and transmitted to a recording device as recited in claim 4 or controlling operation of the video receiver to cause broadcast only of commercials that provide sales information as private data along with broadcast program content as recited in claim 5. Accordingly, the rejection of claims 4 and 5 should be withdrawn.

The Rejection of Claims 6, 7, 13, 14, 20, and 21 under 35 U.S.C. 103(a)

Claims 6, 7, 13, 14, 20, and 21 depend from claims 1, 8, and 15, and by virtue of their

dependencies are allowable for at least the reasons discussed above in connection with claims 1, 8 and 15.

The Rejection of Claims 12, and 19 under 35 U.S.C. 103(a)

Claims 12 and 19 depend from claims 8 and 15, and by virtue of their dependencies are allowable for at least the reasons discussed above in connection with claims 8 and 15.

The Rejection of Claim 23 under 35 U.S.C. 103(a)

Claim 23 depends from claim 1, and by virtue of this dependency is allowable for at least the reasons discussed above in connection with claim 1.

The Rejection of Claims 24, 25, 28, and 30 under 35 U.S.C. 103(a)

Claims 24, 25, 28, and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Williams et al. **Claims 25, 28 and 30** depend from claim 1, and by virtue of their dependencies are allowable for at least the reasons discussed above in connection with claim 1.

Claim 24, which depends from independent claim 1, recites that the shell automatically periodically executes the script to check future programming. The Office concedes that Harrison does not teach or suggest this claimed aspect. In an attempt to remedy this conceded deficiency, the Office references Williams et al. and asserts that it would have been obvious to one skilled in the relevant art to modify Harrison in view of Williams et al. to teach the subject claim.

As noted above, Harrison is directed towards selecting a stored demodulated television signal to display or record. Harrison discloses receiving, demodulating, and storing television signals for display or recording. Harrison further discloses decoding the received television into data streams by decoding units. The analyzing units analyze the data streams for predefined items of interest stored in data structure 260. If a decoded signal includes a predefined item of interest, then the corresponding stored demodulated signal is displayed or recorded. Thus, the

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decoded received signal may be used to determine which stored demodulated television signals to display or record.

In the sections of Harrison referenced in the final Office Action, Harrison discloses an example in which an internet URL transmitted along with the received signal is used to determine whether the stored demodulated television signals include content that matches an item of interest. In particular, Harrison discloses that the received television signal may include an internet URL. The web page corresponding to URL is retrieved and searched for data which matches the criterion specified by the corresponding triggering portion of the profile unit data. If there is a match, then arbitration is performed and one of the stored demodulated television signals is selected and displayed or recorded. Thus, URLs may also be used to determine which stored demodulated television signals to display or record.

Williams et al. is directed towards automatically updating user preferences in an entertainment system. (See Abstract). In the sections of Williams et al. cited by the Office, Williams et al. discloses a controller 104 that generates and stores user profiles (See column 2, line 66 to column 3, line 2) and that provides programming suggestions (See column 12, lines 6-10), and a profile database 700 that stores user-provided search requests (See column 11, lines 31-38). As disclosed in Williams et al., given a particular search request, the controller 104 searches programming information each time it receives updated programming information and prompts the user with suggested programming. (See column 11, lines 20-27 and 38-43). The user can then select to view the program. (See column 11, lines 27-30 and 43-44).

Based on the teachings of the references, modifying Harrison with the user provided search requests of Williams et al. would not provide for periodic execution of a script to check *future* programming as recited in the subject claim since Harrison analyzes *web page information for television signals that have already been received, demodulated, and stored for display and recording*, and not future broadcast programming. In light of the above, Harrison in view of Williams et al. does not make obvious claim 24. Therefore, it is respectfully requested that the rejection of claim 24 be withdrawn.

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The Rejection of Claim 27 under 35 U.S.C. 103(a)

Claim 27 depends from claim 11, and by virtue of this dependency is allowable for at least the reasons discussed above in connection with claim 11.

The Rejection of Claim 29 under 35 U.S.C. 103(a)

Claim 29 depends from claim 15, and by virtue of this dependency is allowable for at least the reasons discussed above in connection with claim 15.

Conclusion

In view of the foregoing, it is submitted that the subject claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

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